

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CT-3127-BO

TERRY LYNN LONG,)
)
Plaintiff,)
)
v.)
)
CARMEN HENDRICKS, et al.,)
)
Defendants.)

ORDER

On January 10, 2017, Magistrate Judge Numbers issued an Order and Memorandum and Recommendation (“Order and M&R”) [D.E. 13] in this civil rights action filed against defendants Carmen Hendricks, Jodi Kapeluck, Letitia Owen, and Paula Smith who, plaintiff alleged, were deliberately indifferent to his need for medical care in violation of the Eighth Amendment to the United States Constitution. See Compl. [D.E. 1]. Plaintiff also sought appointment of counsel [D.E. 2] and an injunction [D.E. 3].

In his Order and M&R, Judge Numbers allowed plaintiff’s claim against defendant Hendricks in her individual capacity to proceed; denied plaintiff’s motion for appointment of counsel; and recommended that the claims against the defendants in their official capacities be dismissed, plaintiff’s claims against defendants Smith, Kapeluck, and Owen in their individual capacities be dismissed, and plaintiff’s claim for injunctive relief be dismissed as moot. See Order and M&R.


“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or

recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

Plaintiff has filed no objections. The court has reviewed the Order and M&R, the record, and the pleadings. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the Order and M&R.

In sum, plaintiff’s claim against defendant Hendricks in her individual capacity shall be allowed to proceed, plaintiff’s claims against defendants in their official capacities are dismissed, plaintiff’s claims against defendants Smith, Kapeluck, and Owen in their individual capacities are dismissed, and plaintiff’s claim for injunctive relief [D.E. 3] is dismissed as moot.

SO ORDERED. This 21 day of February, 2017.


TERRENCE W. BOYLE
United States District Judge